



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/699,858

10/31/2003

Howard W. Lutnick

03-1086

5127

63710

7590

04/12/2010

INNOVATION DIVISION
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

EXAMINER

SHUMATE, PAUL W

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

04/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,858	Applicant(s) LUTNICK ET AL.	
	Examiner PAUL SHUMATE	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 23-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/11/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 10/06/2009.
2. Claims 1-22 have been examined and currently stand rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Belzberg, U.S. Patent No.: 6,134,535, in view of Gutterman et al, U.S. Patent No.: 5,297,031.

Examiner's Note: The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially

Art Unit: 3693

teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

5. As per claims 1-22, Belzberg teaches a system for electronic trading (see at least column 2 lines 14-18) which comprises a keyboard having keys for placing orders (see at least column 2 lines 14-18, column 3 lines 1-5, and column 3 lines 65-67), a display device which displays information regarding relevant stocks (see at least column 2 lines 18-22, column 2 lines 67-67, and column 3 lines 49-57), and a processor for controlling the information being displayed (see at least column 5 lines 33-45).

6. Belzberg does not specifically teach displaying multiple financial instruments in different trading quadrants, where each quadrant contains information relating to each specific financial instrument, and Belzberg also does not teach displaying one of the quadrants on the display in response to a user selecting that quadrant.

7. Gutterman teaches that the deck pane can be partitionable so that a plurality of decks can be simultaneously displayed (see at least column 13 lines 5-7). Each of the four displayed deck areas correspond to different commodity or instruments to be traded (see at least column 13 lines 7-10). Touch sensitive buttons are linked to the four screens and when pressed, selectively call up their respective deck area onto the full deck pane. The on screen keyboard has a plurality of buttons that may be dedicated to predetermined functions or can also provide conventional keyboard capability (see at least column 13 lines 17-26). Additionally, there are PARTIAL and TOTAL FILLED buttons which are linked to the financial instruments in specific deck frames that when pushed execute large orders at the touch of a button (see at least column 13 lines 47-58).

Art Unit: 3693

8. Specifically, in response to applicant's arguments relating to claim 12, Gutterman teaches "deck pane 135 can be selectively partitionable so that a plurality of decks can be simultaneously displayed, as illustrated in FIG 2c. The deck pane 135 is shown partitioned into **four deck** areas 135-1, 135-2, 135-3, and 135-4, each corresponding to a **different** commodity or **instrument** traded by the broker (column 13 lines 5-10)." The different instruments which correspond to the four quadrants/deck areas are interpreted to be substantially equivalent to the benchmark instruments corresponding to Applicant's quadrants. The plurality of orders listed in each deck area which are related to the instrument corresponding to each deck area, such as shown in items 139-1 through 139-9 of FIG. 2b in Gutterman, are interpreted to be substantially equivalent to the "plurality of issues related to the benchmark instrument" as claimed by Applicant. In Gutterman, when a user presses one of the buttons 131 (labeled 1, 2, 3, 4 in FIG. 2c, labeled US-Z, US-H, US-M, US-I in FIG. 2b and in FIG. 2d), the corresponding deck area is selected and displayed, which is substantially equivalent to Applicant's claimed limitation of directing the display device to select the trading quadrant corresponding to a specific instrument in response to a trader pressing the key that corresponds to the instrument. Regarding the limitation of mapping the second plurality of keys such that each one of the plurality of keys is used to place orders on a specific issue displayed in the at least one quadrant, Gutterman's buttons such as SEND FILL, QUIT FILL, ALL, and TOTAL in FIG. 2a, SEND, CNCL, FILL, LOOK, QUERY, ACCEPT, ALL, and TOTAL in FIG 2b, and BUY, SELL, ORDER, DELETE, FILL, ACCEPT, etc in FIG. 2c are used to place orders on specific issues displayed in the currently selected deck

Art Unit: 3693

area. In FIG 2b, since the deck area for instrument US-Z is selected and issues related to US-Z are displayed, the buttons such as SEND, CNCL, FILL, LOOK, QUERY, ACCEPT, ALL, and TOTAL are all used for placing orders on specific issues (139-1, 139-2, etc) displayed in the deck area. When one of the other deck area (quadrant) buttons is pressed, such as US-H, US-M, or US-I, the corresponding deck area is selected and displayed. Then, all the buttons, such as SEND, CNCL, FILL, LOOK, QUERY, ACCEPT, ALL, and TOTAL, which were previously used and therefore mapped for placing specific orders on specific issues of US-Z, are then remapped so that they can be used for placing orders on specific issues related to the newly selected instrument. So the order buttons listed above were first mapped and used for placing orders on specific issues of US-Z. After a user presses the button labeled US-H, along with selecting and displaying the corresponding deck area/quadrant, the system also remaps the order buttons, such as SEND, CNCL, FILL, LOOK, QUERY, ACCEPT, ALL, and TOTAL, so that the buttons can then be used for placing orders on specific issues of US-H.

Art Unit: 3693

9. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teachings of Belzberg and Gutterman because viewing more than one financial instrument on the screen at a given time allows traders to keep track of more trades at once but since the amount of information that can be displayed for each instrument is reduced due to shared screen display space, allowing the trader to choose one frame to view full screen allows a user to review more data about a specific trade at one time (see at least column 11 lines 1-8 and column 13 lines 5-19).

10. Belzberg further teaches that the computerized trading system processes orders and initiates trade transactions (see at least column 2 lines 14-39, column 3 line 63 to column 4 line 6, and column 5 lines 9-25) which displays information relevant to transactions in real time (see at least column 7 lines 65-67)

11. Gutterman further teaches a clearinghouse (see at least column 6 lines 60-62 and column 13 lines 37-40) as part of the system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL SHUMATE whose telephone number is (571)270-1830. The examiner can normally be reached on M-F 9:00 AM - 5:00 PM, EST alt Fridays off.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name: Paul W. Shumate
Title: Patent Examiner
Date: 2/13/2010
Signature: /Paul Shumate/
Examiner, Art Unit 3693

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693